



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: October 22nd 2020

Agenda Item: Proposed administrative rule prohibiting the use of remote-controlled devices for fishing.

Action Needed: Proposed

Time Needed on Agenda for this Presentation: 15 min

Background:

FWP has received questions about using remote-controlled boats and Unmanned Aerial Vehicles (drones) for fishing. Statute, rule and regulations do not clearly define how or if these devices may be used for fishing. During the June 2020 Fish and Wildlife Commission meeting, FWP Enforcement gave a presentation to the Commission describing some of the ways in which these devices can be used for fishing. The Commission directed the Department to bring a proposal forward limiting the use of remote-controlled devices for fishing. The Department's proposed rule language would prohibit the use of remote-controlled devices and drones while fishing, including carrying a hook or bait to any location on water, trolling or otherwise carrying a hook or bait through water, scouting the location of fish for the purposes of fishing, and hooking and/or landing a fish.

Public Involvement Process & Results:

The public has not had the opportunity to review or comment on this proposal. Public comment can be taken at this meeting. Additionally, if the Commission initiates rulemaking, the Department will conduct the appropriate public review and public comment process, which would include holding a public comment hearing.

Alternatives & Analysis:

The Commission can propose rulemaking which will allow the Department to collect public comment on the proposal. The Department will provide this public comment along with a final recommendation for the Commission to consider.

Alternatively, the Commission may also not initiate rulemaking and the proposal will not move forward.

Agency Recommendation & Rationale:

The Department recommends that the Commission propose rulemaking to prohibit the use of remote-controlled devices for fishing. Once rulemaking is started, the Department will gather public comments and present a final proposal for the Commission to consider.

Proposed Motion:

I move that the Fish and Wildlife Commission propose administrative rulemaking to prohibit the use of remote-controlled devices for fishing.